

UNITED STATES PATENT AND TRADEMARK OFFICE

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Inverness Medical Innovations / WSGR Wilson Sonsini Goodrich & Rosati, P.C. 650 Page Mill Road

MAILED SEP 2 7 2010

Palo Alto CA 94304

OFFICE OF PETITIONS

In re Application of

Buechler

Application No. 10/697,351

: ON APPLICATION FOR

Filed: October 29, 2003

: PATENT TERM ADJUSTMENT

Attorney Docket No. 36671-

:

716.302

Title: DIAGNOSTIC DEVICES AND :
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MEMBRANES

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT AND APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705," filed February 5, 2010. This request is properly treated under 37 CFR 1.705(b). Applicant submits dispute the 316 day reduction.

The application for patent term adjustment is GRANTED.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 23-2415. No additional fees are required.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicant disputes the 316 day reduction. Applicant contends that the reduction based upon the submission of the Request for Continued Examination (RCE) and the information Disclosure Statement filed on August 5, 2008. Applicant submits no reduction is warranted.

The application history has been reviewed and it has been determined that reduction of 316 days will be removed.

Applicant's delay prior to the mailing of the Notice of Allowance is 115 (31 + 84) days. Office delay prior to the mailing of the Notice of Allowance is 307 days.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is one hundred ninety-two (192) days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.

Anthony Knight

Director

Office of Petitions

Enclosure: Copy of REVISED PALM Screen

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Term

Adjustments

PTA/PTE Information | Patent Jerm Adjustment | Patent Term Extension

Application Number*: 10697351 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10697351 Θ

Application Filing Date 10/29/2003	OverLapping Days Between (A and B) or (A and C)
Issue Date of Patent	Non-Overlapping USPTO Delays: 307
A Delays 307	PTO Manual Adjustment 316
B Delays 0	Applicant Delay (APPL) 431
C Delays 0	Total PTA (days) 192

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* - Sorted Column

File Contents History

<u>Number</u>	Action Recorded Date	Action Due Date	Action Code	Action Duration Duration Description PIQ APPL	Parent Action Numl
59	09/25/2010		P028	Adjustment of PTA Calculation by PTO	D ZARINI
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9	12/21/2009	<u> </u>	IREV	Issue Revision Completed	9
8	12/20/2009 12/20/2009		ACRE DVER	Allowed Case Returned to the Examiner for Clerical Processing Document Verification	0
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4	12/09/2009		CNTA	Notice of Allowability	o i de la companya d
6	12/04/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)	0
8	11/17/2009		HCTAV	Mail Advisory Action (PTOL - 203)	9 . 195
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36	11/10/2009		FWDX	Date Forwarded to Examiner	0
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14	09/16/2009 33 09/14/2009		MCTFR CTFR	Mail Final Rejection (PTOL - 326) Final Rejection	o <u>al al al al al al</u> a
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2	07/02/2009		IDSC	Information Disclosure Statement considered	•
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8	07/02/2009	04/09/2009	RCEX	Request for Continued Examination (RCE) <u>64</u>	109
6	07/02/2009		DIST	Terminal Disclaimer Filed	o Ar ngaranta
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4 3	07/02/2009		M844	Information Disclosure Statement (IDS) Filed	
2	07/02/2009		XT/G	Request for Extension of Time - Granted	0
1	07/02/2009		WIDS	Information Disclosure Statement (IDS) Filed	0
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	10/07/2008		CTFR	Final Rejection	0
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	07/28/2008		CADE	Correspondence Address Change	0
	07/17/2008		APWH	Walver of Hearing by Appellant	0
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	05/12/2008		AP_DK_M	Docketing Notice Mailed to Appellant	0
21	05/12/2008	والأشارة والبار فقارس	APAS	Assignment of Appeal Number	0 A A Gr
	04/22/2008 04/21/2008	eg ar	PA C.AD	Change in Power of Attorney (May Include Associate POA) Correspondence Address Change	0 3
~	04/15/2008	- Commercial Commercia	APWD	Appeal Awaiting BPAI Docketing	0
	12/13/2007		MRBNE	Mail Reply Brief Noted by Exeminer	0 1
	12/10/2007		RBNE	Reply Brief Noted by Examiner	0
	10/10/2007	1	FWDX	Date Forwarded to Examiner	0
	10/05/2007		DOCK	Case Docketed to Examiner in GAU	0
	09/24/2007		APRE	Reply Brief Filed	0 <u>.</u>
	09/24/2007 09/12/2007		PACC	Request for Oral Hearing Exam. Ans. Review Complete	
' '	08/17/2007		MAPEA	Mail Examiner's Answer	0
	08/16/2007		APEA	Examiner's Answer to Appeal Brief	0
ì	06/05/2007		APBR	Appeal Brief Review Complete	0
)	06/05/2007		FWDX	Date Forwarded to Examiner	0 "
)	04/25/2007		AP.B	Appeal Brief Filed	0
3	04/25/2007		XT/G	Request for Extension of Time - Granted	0 .
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1 1 130	01/25/2007	AP/A	Amendment/Argument after Notice of Appeal	
29	01/25/2007	N/AP	Notice of Appeal Filed	
28	10/25/2006	MCTFR	Mail Final Rejection (PTOL - 326)	
27	10/24/2006	CTFR	Final Rejection	
26	08/15/2006	FWDX	Date Forwarded to Examiner	
25	08/07/2006	7/2006 A	Response after Non-Final Action	
24	08/07/2006	XT/G	Request for Extension of Time - Granted	
23	04/07/2006	HCTNF.	Mail Non-Final Rejection	
22	04/05/2006	CTNF	Non-Final Rejection	
341	02/27/2006	AP/A	Amendment/Argument after Notice of Appeal	V. 57- 54:
20 .	02/02/2006	FWDX	Date Forwarded to Examiner -	
18	02/02/2006	FWDX	Date Forwarded to Examiner	14 Post 15
16	02/02/2006	ABN9	Disposal for a RCE / CPA / R129	
19	01/27/2006	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	Mary M.
17	01/27/2006	RCEX	Request for Continued Examination (RCE)	
15	01/,27/,2006	BRCE	Workflow Request for RCEO Begin	
14	11/01/2005 - 12/	29/2004 MCTFR	Mail Final Rejection (PTOL - 326)	
13	10/28/2005	CTFR	Final Rejection	4818
12	10/13/2005	DOCK	Case Docketed to Examiner in GAU	
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7	01/15/2004	ROIPE	Application Return TO OIPE	
6	01/,15/2004	OIPE MAN	Application Dispatched from OIPE C. T. C.	
21	01/12/2004	IDSC	Information Disclosure Statement considered	
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9.7	01/12/2004	M844	Information Disclosure Statement (IDS) Filed	
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